

1614  
JW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>OIP TRANSMITTAL FORM</b> SEP 06 2005 (to be used for all correspondence after initial filing)	Application Number	10/517,087
	Filing Date	12/06/2004
	First Named Inventor	Christian von Falkenhausen
	Art Unit	1614
	Examiner Name	
Attorney Docket Number	R00937US (#90568)	

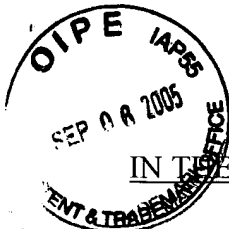
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Post card receipt Ltr w/English translation of IPER; Ltr w/Declaration & Power of Atty
Remarks Please charge any additional fees or credit any overpayment to applicant's attorney's Deposit Account No. 08-2441.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	D. Peter Hochberg Co., L.P.A.		
Signature			
Printed name	D. Peter Hochberg		
Date	08/31 / 2005	Reg. No.	24,603

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Christine Kotran	Date	08 / 31 / 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christian von Falkenhausen et al.  
Serial No.: 10/517,087  
Filed: December 6, 2004 / Conf. No. 1143  
Title: ACTIVE SUBSTANCE-CONTAINING FILM-LIKE PREPARATIONS  
HAVING IMPROVED CHEMICAL STABILITY, AND  
PROCESSES FOR THEIR PREPARATION  
Examiner: \_\_\_\_ / Art Unit: 1614  
Attorney File: RO0937US (#90568)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER WITH ENGLISH TRANSLATION OF IPER**

Sir:

Supplemental to the application papers filed on December 6, 2004, applicants submit herewith an English translation of the International Preliminary Examination Report (PCT/IPEA/409) rendered with respect to PCT/EP2003/004816 filed May 8, 2003 for inclusion in the record for this case.

Respectfully submitted,

By: \_\_\_\_\_

D. Peter Hochberg  
Reg. No. 24,603

DPH/SM/ck  
Enc.: English translation of IPER

**Certificate of Mailing**

D. Peter Hochberg Co., L.P.A.  
1940 E. 6th Street - 6<sup>TH</sup> Floor  
Cleveland, Ohio 44114  
Phone: (216) 771-3800  
Fax: (216) 771-3804

e-mail: [DPHDOCKET@aol.com](mailto:DPHDOCKET@aol.com)

I hereby certify that this document, and anything indicated as being attached or enclosed, is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date noted below.

Christine Kotran: \_\_\_\_\_

Date: \_\_\_\_\_

8/31/2005

Translation

PATENT COOPERATION TREATY

PCT/EP2003/004816



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference LTS 2002/004 PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/004816	International filing date (day/month/year) 08 May 2003 (08.05.2003)	Priority date (day/month/year) 04 June 2002 (04.06.2002)
International Patent Classification (IPC) or national classification and IPC A61K 9/00		
Applicant LTS LOHMANN THERAPIE-SYSTEME AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 2 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 06 September 2003 (06.09.2003)	Date of completion of this report 14 January 2004 (14.01.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

---

International application No. PCT/EP2003/004816

**I. Basis of the report**

The basis of international preliminary examination report is the application as originally filed.

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been the subject of the international preliminary examination in respect of the claims which have not been searched (Article 17(2)(a) or (3) and Rule 66.1(e) PCT; see also international search report).

**V. Reasoned statement under Article 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability**

To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims, which have been the subject of an international search report, does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).